IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

JAMES G. RIGBY,)	
Plaintiff,)	
vs.	CV-2011-373-KD-	M
FIA CARD SERVICES, N.A., d/b/a BANK OF AMERICA)	
Defendant.)	

PLAINTIFF'S OBJECTION TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

NOW COMES Plaintiff James G. Rigby, and pursuant to Local Rule 72.4, respectfully objects to the Report and Recommendation entered by the Magistrate Judge on November 21, 2011 (Doc. 30), in which it was recommended that the Motion to Dismiss filed by FIA Card Services, N.A., d/b/a Bank of America ("BOA") be granted. As grounds for his objection Plaintiff states that the Magistrate Judge erroneously concluded that the Complaint failed to adequately plead the existence of a "billing error" within the meaning of the Fair Credit Billing Act, 15 U.S.C. § 1666(a)("FCBA"). As further support for his objection Plaintiff has separately filed a supporting brief. In addition, Plaintiff incorporates by reference the arguments set forth in his Brief in Response to Motion to Dismiss (Doc. 16).

WHEREFORE, Plaintiff respectfully requests that this Court review said Report and Recommendation *de novo* and, upon such review, find that BOA's Motion to Dismiss is due to be denied.

s/ Kenneth J.Riemer

Kenneth J. Riemer
Attorney for Plaintiff
Underwood & Riemer, PC
166 Government Street Suite 100
Mobile, AL 36602
kjr@alaconsumerlaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 5, 2011, I electronically filed the foregoing with the Clerk of the Court using the AlaFile system, which will send electronic notification of such filing to all counsel of record.

s/ Kenneth J.Riemer Kenneth J. Riemer